

**WALWORTH TOWN BOARD – REGULAR MEETING
3 APRIL 2008**

Presiding Supervisor Plant called the regularly scheduled Town Board meeting, held at the Walworth Town Hall, 3600 Lorraine Drive, to order at 7:33 PM.

Present:	Frank Maciuska	Councilman
	Patricia Marini	Councilwoman
	Suzi Hawkins-Mance	Councilwoman
	Susie Jacobs	Town Clerk
	Mike Frederes	Highway Superintendent
	Rob Burns	Sewer Superintendent
	Jacqueline Van Lare	Recreation Director
	Karen Ambroz	Assessor
	Ed Parrone	Engineer for the Town
	Norm Druschel	Building Inspector
Absent:	Thomas Yale	Councilman

MINUTES:

Motion by Councilwoman Hawkins-Mance to approve the Minutes of March 20, 2008, meeting as submitted by the Town Clerk, with an amendment to the United Way presentation paragraph as follows: that it was brought to her attention that not all of the Town Hall employees were made aware of the program as of the March 20th date, yet the letter was signed on behalf of the Walworth Town Hall employees.

Seconded by Councilwoman Marini.

Adopted: Vote Ayes 4 Nays 0

CORRESPONDENCE:

Susie Jacobs, Town Clerk, read the following:

“Bob Plant, Supervisor, Town of Walworth

Festival in the Park,

Due to a scheduling problem with the Carnival Ride vendor, the Walworth Lions Club must move the Festival in the Park from July to August 22nd -23rd, 2008. Please include this information in your next article in the TIMES to keep our Town residents up to date on the Festival.

Thanks for your help,
Lion John Baxter
Walworth Lions Club”

Motion by Councilman Maciuska to accept and file.

Seconded by Councilwoman Marini.

Adopted: Vote Ayes 4 Nays 0

APPOINT ATTORNEY:

Councilman Maciuska offered the following Resolution 32-08 and moved its adoption. Seconded by Councilwoman Marini to wit:

WHEREAS, the Town Council of the Town of Walworth would like to appoint a new Attorney for the Town, Denise Munson, Esquire; and

WHEREAS, the effective date would be April 10, 2008, with a term expiring on December 31, 2008; and

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BE IT RESOLVED, that the Town Council of the Town of Walworth appoints Denise Munson, Esquire, as Attorney for the Town of Walworth.

NOW THEREFORE, BE IT FURTHER RESOLVED, that the Town Council of the Town of Walworth adopt Resolution **32-08**.

Roll call vote:	Councilman Maciuska	Aye
	Councilwoman Marini	Aye
	Councilwoman Hawkins-Mance	Aye
	Councilman Yale	Absent
	Supervisor Plant	Aye

Resolution carried.

Supervisor Plant welcomed Denise Munson. Denise Munson stated that she is looking forward to working with the Town of Walworth.

PUBLIC PARTICIPATION:

No one present offered any comments.

BOND FINANCIAL NETWORK - HEALTH CARE PRESENTATION:

Mr. William Carson, Bond Financial Network, a Benefit Consulting Firm, stated that he had done some research on the current health care plan that the Town of Walworth was in and compared that to some alternative plans that were available. He presented Council members with an Employee Benefit Proposal Summary analysis prepared for the Town of Walworth, explained some of the highlights and answered questions addressed by Council members. Supervisor Plant and Councilman Maciuska thanked Mr. Carson for his time.

7:43 PM COUNCILMAN YALE ENTERED THE MEETING

DEPARTMENT HEAD REPORTS:

HIGHWAY DEPARTMENT –
Nothing presented at this time.

SEWER DEPARTMENT – INTRODUCTION OF SEWER SUPERINTENDENT
Supervisor Plant introduced the new Sewer Superintendent, Rob Burns.

SEWER DEPARTMENT – ADVERTISEMENT FOR BID REQUEST

Motion by Councilman Maciuska authorizing to advertise for bids for replacement of roof for the main process building. Bids must be received by May 1, 2008.

Seconded by Councilman Yale.

Adopted: Vote Ayes 5 Nays 0

Bid opening was scheduled for May 1, 2008, at 2:00 PM, at the Walworth Town Hall.

RECREATION – PURCHASE OF SCOREBOARD FOR FIELD 3

Motion by Councilwoman Marini authorizing the purchase from BSN Sports MacGregor of a scoreboard for an amount of \$2,343.00, and wireless remote control for an amount of \$999.00, for a total cost of \$3,342.00, to be expended as follows: \$2,072.00 from Parks Special Revenue Fund Balance (Justin Smith Memorial Money) and \$1,270.00 from C1-7110.24 Baseball Line.

Seconded by Councilwoman Hawkins-Mance.

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Roll call vote:	Councilman Maciuska	Aye
	Councilwoman Marini	Aye
	Councilwoman Hawkins-Mance	Aye
	Councilman Yale	Aye
	Supervisor Plant	Aye

Motion carried.

RECREATION – ALCOHOL USE WALWORTH FIRE DEPARTMENT SOFTBALL TEAM – WALWORTH FIREMEN’S FIELD

Motion by Councilwoman Marini authorizing the issuance of an Alcohol Use Permit at the Walworth Firemen’s Field for beer to the Walworth Fire Department Softball Team for April 30 - August 16, 2008, from 6:00 PM to 8:30 PM.

Seconded by Councilwoman Hawkins-Mance.

Adopted: Vote Ayes 5 Nays 0

RECREATION – GANANDA YOUTH FOOTBALL AND CHEERLEADING CLUB

Motion by Councilwoman Marini authorizing Gananda Youth Football and Cheerleading Club the use of Dolomite Park fields from July 26 - November 8, 2008, for practices, scrimmages and game-day activities. The use of the fields/Park is not to conflict with any scheduled Walworth Recreation programs, and GYFCC is to schedule and approve with the Walworth Recreation Director.

Seconded by Councilman Maciuska.

Adopted: Vote Ayes 5 Nays 0

ASSESSOR –

Nothing presented at this time.

ENGINEER – ROOF REPLACEMENT UPDATE

Ed Parrone, Engineer for the Town, stated that Supervisor Plant was in receipt of a letter letting him know that they were ready to move forward with the roof. However, there had been a set-back with the contractor understanding the specifications. Phil Williamson, Code Enforcement Officer, had written the contractor a letter stating that he needed to go back and look at the specifications and make sure that he was going to provide the Town with what was specified. The Town was waiting for the contractor’s response. Discussion ensued with regards to deadlines and requirements for the contractor. Supervisor Plant inquired if the current bidder couldn’t comply, then we would fall back to the second lowest bidder? Ed Parrone said, “yes.”

ENGINEER – DESIGN CRITERIA UPDATE

Ed Parrone, Engineer for the Town, stated that there were some issues with the design criteria relative to legal ease versus zoning. Mr. Parrone stated that Denise Munson would be able to assist in clarifying these issues.

TOWN CLERK – PASSPORT CLINIC

Susie Jacobs, Town Clerk, updated the Board on the Passport Clinic held on March 26, 2008, in the Town Clerk’s Office. Mike Jankowski, Wayne County Clerk, as well as 1 additional Clerk from his office, processed 52 applicants. Susie thanked all who helped to make the Clinic a very successful event. Council members stated that this was very impressive.

COMMITTEE REPORTS:

LIBRARY COMMITTEE – NATIONAL LIBRARY WEEK PROCLAMATION

Councilman Maciuska read the following proclamation:

WHEREAS, our nation’s school, academic, public and special libraries make a difference in the lives of millions of Americans, today, more than ever;

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WHEREAS, librarians are trained professionals, helping people of all ages and backgrounds find and interpret the information they need to live, learn and work in the 21st century;

WHEREAS, libraries are part of the American Dream – places for opportunity, education, self-help and lifelong learning;

WHEREAS, library use is up nationwide among all types of library users, continuing a decade-long trend;

WHEREAS, libraries play a vital role in supporting the quality of life in their communities;

WHEREAS, libraries can help you discover a world of knowledge, both in person and online, as well as personal service and assistance in finding what you need, when you need it;

WHEREAS, libraries are a key player in the national discourse on intellectual freedom, equity of access, and narrowing the “digital divide;”

WHEREAS, libraries, librarians, library workers, and supporters across America are celebrating National Library Week with The Campaign for America’s Libraries.

NOW, THEREFORE, be it resolved that the Walworth Town Board proclaims National Library Week, April 13-19, 2008. I encourage all residents to visit the library this week to take advantage of the wonderful library resources available and thank their librarians and library workers for making information accessible to all who walk through the library’s doors. Join the circle of knowledge @ your library.

Read a book!

TOWN CLERKS VAULT SHELVING AUTHORIZATION

Motion by Councilman Maciuska authorizing the Town Clerk to purchase from ASR Systems Group, Inc., shelving for an amount not to exceed \$2,430.00 from budgeted line A1410.23.

Seconded by Councilwoman Marini.

Roll call vote:	Councilman Maciuska	Aye
	Councilwoman Marini	Aye
	Councilwoman Hawkins-Mance	Aye
	Councilman Yale	Aye
	Supervisor Plant	Aye

Motion carried.

RECREATION ASSISTANT PERMANENT APPOINTMENT

Motion by Councilwoman Marini that Erin Thomas, who had satisfactorily completed her 26-week probationary appointment to the Civil Service position of Recreation Assistant, be permanently appointed to the position effective April 1, 2008, and be compensated at an hourly rate of \$10.68.

Seconded by Councilwoman Hawkins-Mance.

Roll call vote:	Councilman Maciuska	Aye
	Councilwoman Marini	Aye
	Councilwoman Hawkins-Mance	Aye
	Councilman Yale	Aye
	Supervisor Plant	Aye

Motion carried.

RECREATION DIRECTOR PERMANENT APPOINTMENT

Motion by Councilwoman Marini that Jacqueline Van Lare be appointed permanent Recreation Director. She passed her Civil Service test and was number one on the list.

Seconded by Councilwoman Hawkins-Mance.

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Roll call vote:	Councilman Maciuska	Aye
	Councilwoman Marini	Aye
	Councilwoman Hawkins-Mance	Aye
	Councilman Yale	Aye
	Supervisor Plant	Aye

Motion carried.

Councilman Maciuska congratulated Jacqueline Van Lare.

MS4 UPDATE

Councilwoman Hawkins-Mance spoke and presented the following:

#1. Effective immediately, we need to get to work on putting together a procedure for MS-4 Minimum Control Measures (Post-Construction) so we can be in conformance with the new regulations. This should be done so that the new developments (Azzano, etc.) can continue with getting their plans approved.

Our Engineers and I really believe this decision needs to be made at the Town Board level as it will involve managing and maintaining stormwater over the long-term (long after the actual construction process is over) and the financial process should be instituted by the Board. To be most effective, we should consider integrating our design process for permanent stormwater controls into the overall plan for the site.

The most immediate decision that needs to be made is: how is required maintenance of stormwater prevention measures going to be financed? For example: Should we form “Special Stormwater Maintenance Districts” or should we charge a one-time fee to the developer or homeowner of the site? If we form Districts, do we assign each site or development as a separate district and only charge them the fee?, or do we assign different areas of Town as Stormwater Districts and charge all residents in that district? (Stormwater districts could charge back management costs based on the amount of impervious area on the property).

#2. We need to establish procedures for enforcement and penalization of violators.

#3. We need to establish fees for inspections.

#4. We need to start doing the “Environmental Review” the proper way. In order to do this, we may need to talk to other municipalities and see how they are dealing with the MS-4 in their Town(s).

#5. We might want to consider putting together a review board that can review the MS-4 control measures on the developer’s (or individual owner’s) site plans BEFORE that plan even gets to the planning board. Patti and I feel this should be a separate entity, rather than Norm being in charge of this, as Norm already has enough to handle being the inspector. (The Department of State offers a 2 ½ hour course that targets local review boards as they strive to implement local storm water programs. Visit their site at <http://www.dos.state.ny.us/lgss/landuse.html#hotbutton>.)

Respectfully submitted,
Suzi Hawkins-Mance

Councilman Yale asked how Councilwoman Hawkins-Mance was proposing to move forward. Councilwoman Hawkins-Mance stated that the Town needed to set up a committee. The Engineer for the Town agreed and gave his recommendations.

Supervisor Plant asked if Councilwoman Marini would like to work on this MS4 Committee. Councilman Maciuska explained for the students present that there was a new law just recently passed that required the Town to handle storm run-off. The

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Town had to come up with a plan to track all the rainwater, where it was going, and how it would be managed once it got there. MS4 also managed the water from people washing cars in driveways, fertilizers and pools and how that impacted the environment. MS4 stands for Municipal Separate Storm Sewer System.

Councilwoman Hawkins-Mance stated that this committee needed to get going immediately and a first-meeting date would be determined soon. Supervisor Plant stated that the committee members would be:

Councilwoman Hawkins-Mance, Chair
Councilwoman Marini
Mike Frederes, Highway Superintendent
Norm Druschel, Building Inspector
Carl Hewings, Parrone Engineering

Denise Munson, Attorney for the Town, will be consulted at various stages for the review of agreements. Phil Williamson, Code Enforcement Officer, will be kept apprised of all information.

REQUEST FOR PROPOSAL FOR SEWER ENGINEERING AUTHORIZATION:

Supervisor Plant encouraged Ed Parrone, Parrone Engineering, to apply for Engineering for the Sewer Department, although he understood it was not Parrone Engineering's strongest suit.

Motion by Supervisor Plant authorizing to send out a Request for Proposal for Engineering for the Sewer Plant.

Seconded by Councilman Maciuska.

Adopted: Vote Ayes 5 Nays 0

RESOLUTION 30-08 – HIGHWAY & SEWER INTERNET APPROVAL:

Councilman Yale offered the following Resolution **30-08** and moved its adoption. Seconded by Councilwoman Marini to wit:

WHEREAS, the Highway and Sewer Departments have no internet connection to the Town Hall or internet access and have expressed the need for both of these; and

WHEREAS, the Sewer Department has been requested by DEC, DOH and Dig Safely to have access to the internet; and

WHEREAS, the Town Board of the Town of Walworth have acknowledged the need for such connection; and

BE IT RESOLVED, that the Town Supervisor be authorized to expend for wireless connection for Highway and Sewer Departments a total amount not to exceed \$8,000.00, from line items A1620.21R and SS8130.27R, the amount of \$4,000.00 each.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Town Council of the Town of Walworth adopt Resolution **30-08**.

Discussion: Councilman Yale stated that this is something that the Town really has no choice on doing. The Sewer Department he can understand because there are some requirements being imposed on them for needing this access; in the Highway Department it's becoming the method of communication, with all types of weather and disasters, as well as doing business. So we have to do something to bring both of these departments up to standards of technology.

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Roll call vote:	Councilman Maciuska	Aye
	Councilwoman Marini	Aye
	Councilwoman Hawkins-Mance	Aye
	Councilman Yale	Aye
	Supervisor Plant	Aye

Resolution carried.

TOWN COMPLEX STUDY GROUP PHASE II:

Supervisor Plant reported that the Town Complex Study Group presentation has been accepted and we will now move on to the Town Complex Study Group, Phase II. This Committee will be set up to start to determine a number of other things, now that we know basically what is needed. It will start to look at how to accomplish these things, both engineering-wise and financially. The Committee members are as follows:

Councilwoman Hawkins-Mance, Chair
Councilman Yale
Tina Burmeister
Pat Schmidt
Jackie Van Lare
Mike Frederes

GREYSTONE GOLF CLUB PUBLIC ASSEMBLY PERMIT:

Motion by Councilman Yale authorizing the issuance of a Seasonal Public Assembly Permit to Greystone Golf Club, effective April 1 - November 30, 2008.
Seconded by Councilwoman Hawkins-Mance.

Roll call vote:	Councilman Maciuska	Aye
	Councilwoman Marini	Aye
	Councilwoman Hawkins-Mance	Aye
	Councilman Yale	Aye
	Supervisor Plant	Aye

Motion carried.

RESOLUTION 27-08 LINCOLN FIRE PROTECTION DISTRICT SERVICE AWARD PROGRAM PLAN DOCUMENTS AND TRUST DOCUMENTS REFLECTING ALL CHANGES AND AMENDMENTS TO THE PROGRAM THROUGH JANUARY 1, 2008:

Councilwoman Hawkins-Mance offered Resolution **27-08** and moved it adoption.
Seconded by Councilman Yale to wit:

WHEREAS; the Town Council of the Town of Walworth have been presented with the re-draft of the Lincoln Fire Protection District Service Award Program Plan Documents and Trust Documents reflecting all changes and amendments to the program through January 1, 2008; and

BE IT RESOLVED, the Town Council of the Town of Walworth approve the Lincoln Fire Protection District Service Award Program Plan Documents and Trust Documents as presented; and

BE IT FURTHER RESOLVED, that the Town Council of the Town of Walworth adopt Resolution **27-08**.

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Roll call vote:	Councilman Maciuska	Aye
	Councilwoman Marini	Aye
	Councilwoman Hawkins-Mance	Aye
	Councilman Yale	Aye
	Supervisor Plant	Aye

Resolution carried.

RESOLUTION 28-08 WEST WALWORTH FIRE PROTECTION DISTRICT SERVICE AWARD PROGRAM PLAN DOCUMENTS AND TRUST DOCUMENTS REFLECTING ALL CHANGES AND AMENDMENTS TO THE PROGRAM THROUGH JANUARY 1, 2008:

Councilwoman Hawkins-Mance offered Resolution **28-08** and moved it adoption.
Seconded by Councilman Yale to wit:

WHEREAS; the Town Council of the Town of Walworth have been presented with the re-draft of the West Walworth Fire Protection District Service Award Program Plan Documents and Trust Documents reflecting all changes and amendments to the program through January 1, 2008; and

BE IT RESOLVED, the Town Council of the Town of Walworth approve the West Walworth Fire Protection District Service Award Program Plan Documents and Trust Documents as presented; and

BE IT FURTHER RESOLVED, that the Town Council of the Town of Walworth adopt Resolution **28-08**.

Roll call vote:	Councilman Maciuska	Aye
	Councilwoman Marini	Aye
	Councilwoman Hawkins-Mance	Aye
	Councilman Yale	Aye
	Supervisor Plant	Aye

Resolution carried.

BURN PERMIT – 900 WALWORTH PENFIELD ROAD:

Motion by Councilwoman Hawkins-Mance to table the issuance of a burn permit for 900 Walworth-Penfield Road until more information is received of what will be burned where.

Seconded by Councilman Maciuska.

Adopted: Vote Ayes 5 Nays 0

COMMENT: Councilman Maciuska inquired as to what authorized the Town Board to give a burn permit? He thought that the DEC was against them. Supervisor Plant stated that there was much conflicting information out there. The DEC had said that you could and that you could not; they told the Chief Association that there were no burn permits allowed, and yet they started issuing burn permits right out of the DEC office. Then that changed to meet population density. So the latest information that the Town had was that we were beneath the population density which precluded any open burns. Therefore, the Town could issue burn permits. The Town had denied numerous ones and approved others. Councilwoman Marini stated that the Town's Permit to Burn Application specified approval by the DEC. Norm Druschel stated that the Town has had people who have contacted the DEC for approval because they didn't want to wait to go before the Town Board, and the DEC said they didn't have any requirements for that; they didn't want to know anything about residential burn permits. Councilman Yale said that was correct, that is why the Town Board

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had maintained control of burn permits, because the Town has had too many people trying to set up burns in too highly populated areas, and the Town had turned them down. Council members agreed that the Town Permit to Burn Application needed to clarify either approval granted by the DEC or burn permit issued by the Walworth Town Board. Councilman Yale and Supervisor Plant clarified that it is either/or on the form.

BURN PERMIT – 2024 SHERBURNE ROAD:

Motion by Councilwoman Hawkins-Mance to table the issuance of a burn permit for 2024 Sherburne Road until location had been determined.

Seconded by Councilman Yale.

Adopted: Vote Ayes 5 Nays 0

**RESOLUTION 31-08 WEST WALWORTH FIRE DEPARTMENT CERTIFIED
POINTS LISTING APPROVAL:**

Councilwoman Hawkins-Mance offered the following Resolution 31-08 for approval of the service for the 2007 West Walworth Fire Department Service Award Program as presented to the Town Board.

Seconded by Councilwoman Marini to wit.

Councilman Yale inquired as to what was being approved when the Town Board approved these documents. Supervisor Plant stated that the Town Board was simply approving that the Town Board had received the list that said these people had received their 50 points through a combination of trainings, fire attendance and meeting attendance. Councilwoman Marini stated that the Town administered the program and that was a requirement. Councilman Yale asked if the Town had a responsibility of audit or verification? Discussion ensued; should the Town's responsibility and obligation be auditing this in some fashion? Further discussion ensued with the determination that the Town's obligation was to review and approve the document.

Roll call vote:	Councilman Maciuska	Aye
	Councilwoman Marini	Aye
	Councilwoman Hawkins-Mance	Aye
	Councilman Yale	Aye
	Supervisor Plant	Aye

Resolution carried.

FINANCIAL TRANSACTIONS:

Councilman Yale offered the following Resolution **29-08** and moved its adoption. Seconded by Councilwoman Hawkins-Mance to wit:

BE IT RESOLVED, that the Senior Account Clerk be authorized to modify budget as follows:

\$9,945.00 from Sewer Fund Balance to establish line item SS8130.27R Facility/Building Repairs. To cover cost of capital expense.

Roll call vote:	Councilman Maciuska	Aye
	Councilwoman Marini	Aye
	Councilwoman Hawkins-Mance	Aye
	Councilman Yale	Aye
	Supervisor Plant	Aye

Resolution carried.

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AUTHORIZATION TO ATTEND FINANCE SCHOOL:

Motion by Councilman Yale authorizing Supervisor Plant to attend Association of Towns of the State of New York Town Finance Schools, May 8 and 9, 2008, in Rochester, New York, to be expended from Budgeted line A1220.12, for an amount not to exceed \$200.00.

Seconded by Councilman Maciuska.

Adopted: Vote Ayes 5 Nays 0

WEST WALWORTH CEMETERY COMMENT:

Supervisor Plant stated for the record that the Town of Walworth had been ready to accept the West Walworth Cemetery and it was through no fault of the Town Board that it had not come to the Town yet. Councilman Maciuska stated that the Town had an obligation on cemeteries when the organization that ran the cemetery ran into financial difficulties or they had no one that was interested any more. The Town had to take the cemetery over, and then it became the Town's responsibility to maintain the cemetery. It's not like the Town wanted to be in the cemetery business, but that was how the Law worked.

FIREWORKS PERMIT APPLICATION REVISION DISCUSSION:

Supervisor Plant reported that he had spoken with someone from New York State Department of Labor about explosives, and they cover fireworks permits. Supervisor Plant was told that the Town of Ontario had the best fireworks permit application. He presented a copy of the permit application from the Town of Ontario and requested that Council members review this application before the next Town Board meeting to see if the Town Board would like to adopt it. Discussion ensued regarding the items contained in the application from the Town of Ontario.

OPEN SPACE CONSERVATION PLAN INFORMATION:

Supervisor Plant reported that he had received notification from Wayne County that the DEC was conducting a review of the Statewide Open Space Conservation Plan, and the Town had until April 28, 2008, for anything that we would like to have included. The Supervisor gave Council members follow-up information for review before the next Town Board meeting.

NEW YORK STATE DOG LICENSING SYSTEM:

Susie Jacobs, Town Clerk, reported that the Town Clerk's office was now licensing dogs directly on the New York State Dog Licensing System.

FIREWORKS DISPLAY – FESTIVAL IN THE PARK COMMENT:

Councilwoman Hawkins-Mance asked, "Because the Festival in the Park was moved - the dates were moved - do we have to re-issue the fireworks permit because we had already approved one for July?" Councilman Maciuska stated that the Lions Club would have to submit a new application for fireworks, as well as the large gathering for the park. He recommended that this be done quickly before someone else requested that weekend, since park reservations were first-come, first-serve.

ADJOURNMENT:

Motion by Councilman Yale to adjourn.

Seconded by Councilwoman Hawkins-Mance and unanimously carried.

Time: 8:40 PM.

Respectfully Submitted,
Susie C. Jacobs, Town Clerk